

Minutes

DAGSBORO TOWN COUNCIL

Virtual Meeting

Monday, June 15, 2020

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

Meeting was called to order by Mayor Baull at 6:03 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Patrick Miller, Councilman William Chandler, Councilman Norwood Truitt, Councilwoman Theresa Ulrich, Town Administrator Cynthia Brought, Police Chief Steven Flood, Sergeant Nicholas Disciullo, Town Engineer Kyle Gulbranson, Chairman P&Z Brad Connor, P&Z Member Audrey Miller, Reporters Glenn Rolfe and Jason Feathers, Robert & Cathy Flowers, and Andy Hensler.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

March 16, 2020 Regular Town Council

Councilwoman Ulrich made a motion to approve the minutes. Councilman Truitt seconded the motion. All were in favor.

IV. CONSENT AGENDA

A. Police Department Report

Chief Flood stated that they would like to hire part-time officers on a six month basis through the end of December. They are considering 30 (thirty) hours a week to be worked between three or four officers and hiring at a rate of \$25 per hour due to the fact that they will not be enrolled in pension or health insurance for the Town of Dagsboro. This solution will be approximately \$973 in savings a month for the

Town. The cost for six months at 30 (thirty) hours a week plus a thousand dollars for equipment for everybody comes to \$21,250. If we extended that to a year it would be \$42,500. If we hired a certified officer as a Corporal with experience the salary would be \$50,753 as well as a yearly savings pension and health insurance (approximately \$12,000, plus \$8,000). This amounts to a \$20,000 savings for the Town just by having a part-time officer.

Councilman Chandler asked if Chief Flood had anyone in mind that would be able to do this on a part-time basis. Chief Flood stated that he does have three to four officers willing to work part-time. Two of the officers have fourteen and a half years' experience while the other two have five years' experience. Chief Flood stated that they are qualified to do the job and he trusts them.

Chief Flood is hopeful that with hiring the officers as part-time that maybe one of them would consider coming on full-time to the Dagsboro Police Department.

Councilman Chandler motioned to approve the hiring of part-time officers at thirty hours a week. Vice-Mayor Miller seconded the motion. All were in favor.

Chief Flood stated that the Town of Frankford was not interested in our old Tahoe, which is good with the hiring of part-time officers.

- B. Treasurer's Report
- C. Administrative Report
- D. Economic Development Committee
- E. Building Official Report
- F. Code Enforcement Report
- G. Meeting Reports
- H. Water Department Report

Mayor Baull asked Town Administrator Brought to update Council on the water billing. Town Administrator Brought stated that she is waiting to hear back from Rick Duncan and Senator Hocker to see if they can help with funding of the new registers. The cost to replace registers is around \$40,000 and they claim that this isn't a lot of money so therefore we are hopeful that we will get some funding. The sooner the registers can be replaced, the better. Stacy West, Town Clerk, has no time to do anything except work on water. If we cannot get the funding from Rick Duncan and Senator Hocker the Town should start thinking about where we can get the money to get the registers ordered and replaced. Councilman Chandler stated that he agreed with Town Administrator Brought in regard to the registers. He feels if we do not get the funding, the Town will have to bite the bullet and find money in our own budget. Councilman Chandler stated that the Town has money in CDs and we might have to use one because the registers need to be fixed and we cannot continue the way it is. Councilwoman Ulrich agreed with Councilman Chandler as far as finding the money even if we did 50% of them now and 50% later.

- I. Prince George's Chapel Cemetery Report
- J. Correspondence

Mayor Baull asked Town Administrator Brought if she had a response from Solicitor Greg Morris regarding revisiting the budget. Town Administrator Brought stated that Solicitor Morris said it should not be revisited and he felt that our charter defines that what we approve by June 30th has to stay. Under extraordinary circumstances the Council can discuss it and it would have to be above and beyond. Councilman Chandler also agreed with Solicitor Morris. Councilman Chandler asked for Town Administrator Brought to give him an update on status of various property issues, where we stand and where Greg is on them in connection with litigation. This information should be sent in an email and a copy to Solicitor Morris so he can communicate directly with Councilman Chandler. Councilwoman Ulrich stated that the budget is what it is and that the Town Administrator is doing a great job.

Mayor Baull asked for a motion to approve the Consent Agenda; Councilwoman Ulrich motioned to approve the Consent Agenda. Councilman Chandler seconded the motion. All were in favor.

V. PLANNING & ZONING COMMITTEE

Recommendation (Shaubach Subdivision; Petals & Treasures Change of Use and Artesian Water Change of Use Old Fire House to Utility)

Brad Connor, Chairman of P&Z, stated that the Shaubach Subdivision was discussed at the last P&Z meeting. It is a minor subdivision and all the fees were paid and it was recommended to move forward.

Chairman Connor stated that Petals & Treasures was out on Vines Creek Rd (Rt. 26) they have left that location and moved over next to the Clayton Theater. Chairman Connor stated that they were unaware that they had to do anything for whatever reason. We advised them of what needed to be done and they paid the \$250 change of use fee. An email was sent to the P&Z Committee to approve the Change of Use and there were no objections.

Chairman Connor stated that Artesian Water is in the process of purchasing the old fire house and they are asking to be zoned as a utility. P&Z recommend that the utility zoning be approved for the use and advised that they have paid their fee as well.

VI. NEW BUSINESS

A. Court of Appeals – Discussion/Possible Vote 20-21 Taxes

Town Administrator Brought stated that we had no appeals for 20-21 taxes. The Council needs to approve the 20-21 taxes so that the bills can be mailed on July 1st.

Mayor Baull asked for a motion to adopt the 20-21 taxes to be mailed out by July 1st; Councilman Chandler made the motion. Vice-Mayor Miller seconded the motion. All were in favor.

B. 2020 Artesian Yearly Service Contract – Discussion/Possible Vote

Town Administrator Brought stated that it did increase this year a total of \$340.20. This covers the monthly testing and reports. This would also cover emergencies if we had any.

Councilman Truitt made a motion to approve the 2020 contract for Artesian yearly services. Councilwoman Ulrich seconded the motion. All were in favor.

C. Chapel Two Year Contract Renewal – Discussion/Possible Vote on \$500 per year payment (paid by Town Previously as Friends didn't have the funds)

Mayor Baull stated that for those who didn't know, he is also President of the Friends of Prince George's Chapel. He stated that they have a meeting on June 30th. Mayor Baull has talked to Crystal Hudson, treasurer of Friends of Prince George's Chapel, and he feels that they could cover \$250 for the next two years toward the contract. The Chapel has not been able to open monthly on Sundays, and its unknown as to when this can happen again.

Councilman Truitt motioned to approve the two year contract renewal with Delaware Cultural and Historical Affairs at \$500 per year to be paid for by the Town of Dagsboro. Vice-Mayor Miller seconded the motion. All were in favor.

D. Chlorine Injection System Quotes – Discussion/Possible Vote

Town Administrator Brought stated that this goes back to the meeting that Mayor Baull, Councilman Chandler and she had with the Town of Millsboro and them questioning the fact that we had received money and misused it towards something other than this Chlorine Injection System. The pump house is prepared to accept one, however, there was never one put in and we are guessing it was due to the cost. In your packet there is a letter from Heather Warren stating that we never received funding for that system. Quotes were received from Artesian and Dennis Sales & Service, Inc. which was through Delaware Rural Water and you have the pricing in your packet. You would have to have someone look after the system and also keep in mind that at some point we will be switching to Artesian and would no longer use the system.

Councilman Chandler stated that if we bought this system (\$40 or \$50,000?) then we would have to have someone monitor it and asked who would be responsible for that. Town Administrator Brought stated that this is where the cost comes in because you would have to have someone do that every single day. We would need to have a professional tell us when to inject chlorine. Town Engineer Gulbranson stated that it would need to be monitored and that maybe Artesian could add this as an addendum to part of their contract. Actually, the monitoring of the chlorine that they are doing is basically what would still need to be done for injecting the appropriate chlorine. Town Engineer Gulbranson stated that the chlorine injection system works by injecting low amounts of chlorine consistently, just to keep the chlorine levels up. He stated that the tank is where you lose the chlorine because the water sits there for a long period of time. Town Administrator Brought stated that recently chlorine levels are not coming through at the interconnect at the Federal and State required levels. Councilman Chandler stated that he also wanted to see if Artesian would assume this responsibility as part of their regular contract and maybe we could negotiate where they would not charge extra for monitoring and would wrap it into the general things they do for us. Councilman Chandler also stated that this is a big question because if we have to hire someone and make sure they are properly trained then you are getting into imponderables and uncertainties that he doesn't think we could deal with at

this time. Councilman Chandler was hoping that we could just mottle through until we make a decision in 2021 about our water provider for the Town of Dagsboro, but maybe that mottling through won't work since we seem to be experiencing difficulties regarding chlorine levels. If we cannot mottle though we need to consider two things with certainty: 1) What does the hardware cost to install this chlorine injection system and 2) Can we get Artesian to do it as part of their contract that we already contracting with them, and if we can then that makes the first decision easier, but if they can't, Councilman Chandler states he is at a loss as to what we do. Town Engineer Gulbranson stated that his recommendation for the Town is that if Artesian cannot monitor for the Town then he suggests the Town just wait until you make a decision in regard to your water provider.

Town Administrator Brought stated that the hardware is at least \$20,000 if not more. Most of it is going to be monitoring the system and who is making those decisions. Town Administrator Brought stated that if Millsboro gets the appropriate chlorine levels at the interconnect we do not have any problems. Vice-Mayor Miller asked if there was anything in the contract with Millsboro that would negate the contract due to all these ongoing problems. Town Administrator Brought and Mayor Baull stated "no" there is nothing in the contract that assists us. It's pretty much on Millsboro's end as far as protection.

Councilman Truitt stated that if Artesian does come through for the Town then we are stuck with a \$20,000 - \$40,000 injection system that we would no longer need. There is a danger in that just with the hardware cost Town Administrator Brought will talk to Artesian and ask them if the Town did put this system in, would they be able to use it. Town Engineer Gulbranson stated to just ask Artesian if they feel it is something that is needed since they are going to essentially take over the water system. They have Water Engineers that could say if it is something that the Town needs to do. Councilwoman Ulrich asked if Artesian comes in and puts up a water tower, like proposed, are they going to fill up their water tower and then fill up our water tower or is our water tower going to be eliminated? Town Administrator Brought stated that ours is not going to be eliminated and that Artesian has in fact asked about leasing or purchasing our water tower. Councilwoman Ulrich stated that she is apprehensive about them purchasing/leasing our water tower, even though it is maintenance on us, in case something happens down the road and then they own both water towers. Councilwoman Ulrich agreed about not putting the money out if we don't need to for the chlorine injection system and she knows the problem exists when it's hot out. Town Administrator Brought stated that when their numbers are right at the interconnect then we have no problems. Councilwoman Ulrich asked what Artesian's anticipated date of completion is and Town Administrator Brought stated at least another year from now because they haven't even begun. Mayor Baull stated that he agreed that we do not need to spend the money for that at this time and that doesn't mean we are not monitoring what the chlorine levels are. Mayor Baull stated that we should have Town Administrator Brought contact Artesian and see if the system is something they would use once they are up and running.

E. Discussion/Possible Vote on Shaubach Subdivision; Petals & Treasures Change of Use; Artesian Change of Use Old Fire House to Utility

Town Engineer Gulbranson stated that the Shaubach subdivision was reviewed by the P&Z Commission and Town Council about five years ago, but was never recorded; therefore they are re-presenting the

plan. Mayor Baull asked Town Engineer Gulbranson if everything looked good, he knows that P&Z recommended it. Town Engineer Gulbranson stated that yes everything looks good; we checked the utilities in terms of where the water and sewer are for the lots. Councilman Chandler asked Town Engineer Gulbranson if there were going to be five individual lots; he stated yes. Councilman Chandler stated that his print wasn't clear, and he asked if the minimum lot size is within the Town's requirements; he stated "yes". Councilman Chandler asked if we know the type of units going on the lots; Town Administrator Brought stated will be single family homes and Jerry Clark will be selling the lots. Town Administrator Brought stated that Mr. Shaubach has an interest in doing a spec house possibly, but he has already talked to the County on the sewer and has gotten bids on hooking up the water.

Councilman Truitt made a motion to approve the Shaubach subdivision as proposed. Councilwoman Ulrich seconded the motion. The motion was passed with a 4-1 vote with Councilman Chandler abstaining.

Town Engineer Gulbranson stated Petals & Treasures is just relocating from their Vines Creek location to a retail unit next to the Clayton Theater. Councilman Chandler asked Town Engineer Gulbranson why the relocation took place. Town Administrator Brought stated that they were leasing the property on Vines Creek Road. Councilman Chandler asked Town Engineer Gulbranson if the outside display that was at the Vines Creek Road location was going to be displayed at the theater location; he stated that we have not gotten any information on that and their application did not indicate that. Councilman Truitt asked that we find out if they plan to have the outside display; Town Administrator Brought will look into that. Town Engineer Gulbranson stated that since they are leasing from the Clayton Theater it would have to be approved by them.

Councilwoman Ulrich made a motion to approve the Change of Use for Petals and Treasures. Vice-Mayor Miller seconded the motion. All were in favor.

Town Engineer Gulbranson stated that for the Change of Use for Artesian, the site is zoned residential but public utilities are a permitted use in the residential district. Town Engineer Gulbranson stated he thinks it's a good use of the site; it safe guards the water utility. Councilman Chandler asked if their plan is to store their vehicles inside or outside; Town Engineer Gulbranson stated he believes inside.

Councilman Truitt made a motion to change the use to a utility. Councilman Chandler seconded the motion. All were in favor.

Councilman Chandler made a motion to allow Artesian to install an emergency radio tower on our water tower. Councilman Truitt seconded the motion. All were in favor.

VII. OLD BUSINESS

a. Questions/Comments 2019 Audit Presented March 2020

Mayor Baull made a comment that he appreciated Town Administrator Brought and the hard work that was put into the audit.

b. Update on Demolition of 33124 Main Street

Town Administrator Brought stated that we have received \$9800 to remove the waste from the Republican Caucus as well as the County. It just needs to be completed by the end of June. B&B started today removing the asbestos. Mitchell's Excavating cannot start until after the 21st due to DNREC notification of ten days. Mayor Baull asked for explanation of how the funds worked. Town Administrator Brought stated that Delaware Solid Waste Authority holds funds as a credit and the truck operators simply hand them a sheet with each load and they deduct from the credit.

c. Re-opening of Town Hall

Mayor Baull stated that today started Phase II of the Governor's plan to re-open everything, mainly allowing indoor meetings of at least fifty people. Mayor Baull stated that he and Cindi discussed the possibility of opening Town Hall. Town Administrator Brought stated that the Sussex County offices and the local towns around us are remaining closed. She feels that we could gear up to open July 1st, with the requirement of wearing a face mask. All were in favor of re-opening Town Hall on July 1st.

Mayor Baull inquired the Council's thoughts on the next meeting on June 29th at 6 p.m.; all were in favor of a virtual meeting.

VIII. PUBLIC COMMENT

Cathy Flowers, 31860 New Street, asked if the fire department had decided if the siren was being moved to their new location or not.

Town Administrator Brought stated that it is definitely being removed from the old location due to the electric bills per Al Townsend. It will be a more of an up to date siren with a whole different sound it is not antiquated like what is currently there. It already has a spot at the new firehouse from when it was built and is off to the side of the building.

Mayor Baull expressed his appreciation on behalf of the Town Council to Cindi, Stacy, and our police agency due to this crazy time of the pandemic and all of the other stuff going on around our world today. He appreciates that everything kept running and how we kept everyone informed. Thank you very much for a job well done.

Councilman Chandler made a motion to adjourn. Councilwoman Ulrich seconded the motion. All were in favor.

Meeting adjourned at 6:56 p.m.

Respectfully Submitted,

Stacy West, Town Clerk